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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,075	05/24/2010	Andreas Hackbarth	2003P01101WOUS.	9490
46726	7590	08/19/2010	EXAMINER	
BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				DANG, KET D
ART UNIT		PAPER NUMBER		
3742				
			NOTIFICATION DATE	DELIVERY MODE
			08/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/567,075	HACKBARTH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	KET D. DANG	3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 18-49 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 18-49 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 February 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/15/2010, 02/03/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 103 36 117.0 and 103 43 011.3, filed on August 5, 2003 and September 17, 2003, respectively.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities: each part of the specification should be preceded by the appropriate headings set forth above to conform with U.S. practice.

Appropriate correction is required.

The disclosure is further objected to because the technical features of the invention should be clearly described and should not be referred to the claim, therefore any description referred to the claim such as "according to the preamble of claim 1", "...claim 2" or others as noted on page 1 should be delete.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 19, 23-25, 28, 30-33, 35, 39-41, 44, and 46-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially rotationally symmetrical" in claim 19 is a relative term which renders the claim indefinite. The term "substantially rotationally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the

scope of the invention. It is unclear to what degree would be considered “substantially” rotationally” symmetrical or “substantially” symmetrical or “rotationally” symmetrical.

Similarly, the recitation of “substantially circular path” and “configured substantially as …” recited in claims 23, 28, “substantially U-shaped” recited in claims 24 and 40, “substantially E-shaped” recited in claims 25 and 41, “substantially spiral-shaped” recited in claims 30 and 46, “substantially identical” recited in claims 31 and 47, “especially in a substantially circular” recited in claim 32, “substantially circular” and “substantially uniformly” recited in claim 32, “substantially rotationally symmetrical” recited in claim 35, “configured substantially as” recited in claim 39, “configured as substantially” recited in claim 46, “substantially symmetrically” and “substantially circular” recited in claim 48, and “substantially circular” and “substantially uniformly” recited in claim 49 renders the claim indefinite as for the same reason set forth in claim 19.

In claims 28 and 44, there is insufficient antecedent basis for “said retaining means” in the claim or from the preceding claim.

In claim 33, the term “each said heating conductor” should be “each of said heating conductors”.

In claim 47, there is no antecedent basis for the limitation “said heating element” in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 18, 26-27, 29, 34, 42-43, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Poumey et al. (US 4996405).

7. Regarding claims 18 and 34, Poumey et al. discloses a device for heating food and transmitting energy by means of induction (abstract), comprising: heating means including a primary winding and a secondary winding formed from a current conductor (abstract) (claim 3); and connected to a voltage source 10 (fig. 1); a heating element 6 (fig. 1) and a winding core 8 (fig. 1).

With respect to claims 26-27, and 29, Poumey et al. discloses circuit board (abstract; see figure 2).

With respect to claims 42-43, and 45, Poumey et al. discloses circuit board (see figure 2; (col. 1, lines 49-65)).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 20-25 , 28, 30-33, 35-41, 44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poumey et al. (US 4996405) in view of Chen et al. (US 6281611 B1) and further in view of Yoshioka et al. (US 5690851).

10. Poumey et al. in view of Chen et al. disclose all of the limitations of the claimed invention, except for winding core configured as substantially rotationally symmetrical; as a pot core; a central column having a first axial height and an annular side wall having a second axial height different from said first axial height; a heating element and a winding core; core elements arranged as circular-ring-segment-shaped, U-shaped, and E-shaped.

With respect to claims 31-33 and 47-49, however, Chen et al. teaches a heating element (col. 5, lines 22-28) and a winding core 134 (fig. 2). Chen further teaches such a configuration provides a means to transfer energy or heat to the container (col. 11, lines 24-30). It would have been obvious to one of ordinary skill in the art to modify Poumey et al. with the features above of Chen in order to transfer energy or heat to the container.

With respect to claims 19 and 35, Chen et al. teaches winding core configured as substantially rotationally symmetrical (col. 2, lines 32-37).

With respect to claims 20 and 36, Chen et al. teaches winding core configured as a pot core 30 (fig. 2).

With respect to claims 21 and 37, Chen et al. teaches a central column 36 (fig. 2) having a first axial height and an annular side wall having a second axial height different from said first axial height (col. 2, lines 45-50).

Similarly, with respect to claims 22-25, 28, and 30, core elements arranged as circular-shaped, U-shaped, and E-shaped are known in the art. Yoshioka et al., for example, teaches core elements arranged as circular-shaped, U-shaped, and E-shaped (col. 4, lines 12-33; col. 5, lines 6-12). Yoshioka further teaches such a configuration provides a means to increase magnetic flux and uniformly distributed in heating to the product (col. 5, lines 34-55). It would have been obvious to one of ordinary skill in the art to modify Poumey et al. in view of Chen et al. with the features above of Yoshioka in order to provide to increase magnetic flux and uniformly distributed in heating to the product.

With respect to claims 38-41, 44, and 46, Yoshioka teaches core elements arranged as circular-shaped, U-shaped, and E-shaped (col. 4, lines 12-33; col. 5, lines 6-12).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harnden (US 3742179) discloses induction cooking appliance including wireless transmission of temperature data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KET D. DANG whose telephone number is (571) 270-7827. The examiner can normally be reached on Monday - Friday, 7:30 - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Tu can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KET D DANG/  
Examiner, Art Unit 3742  
August 12, 2010

/TU B HOANG/  
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